Quid Novi

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Denies using roulette wheel

Simmonds Explains Bumping Procedure

by Joanie Vance

So, you pre-registered for Tax, Public International Law, Special Contracts and Corporate Finance, and now you're taking Air and Space, Human Rights, and EEC Law? You balloted for all your courses to indicate that you really, really wanted a particular schedule and now your classes start at 8:30 Monday mornings and end at 5:00 Friday afternoons? Probably not true, according to Associate Dean Ralph Simmonds, who recently met with a Quid investigative reporter to discuss course bumpings. Simmonds stated that he and his predecessor, Rod Macdonald, believe there was at most a ten percent increase in bumping this year. But getting everyone settled into appropriate schedules and putting a lid on class sizes, as promised to profs, is not so easy.

Streaming-Type Bumping

Simmonds pointed out that two types of bumping must be distinguished. The streaming type occurs when a student opts for a course not open to persons in his or her year. For example, Government Control of Business is streamed for third- and fourth-year students. Anyone who signs up for it in second year is automatically bumped. The course sequences mapped out in the registration materials may look like helpful suggestions, but in fact are meant to be taken quite seriously. Students run the risk of finding themselves bumped from courses not set out for their year and scrambling for alternatives in September. A further problem is that students who do not take a course during the year for which it is suggested may get shut out altogether because it is not offered the next year. So if the pre-registration materials advise a student to take a course "this year if at all", it means "or else".

Professor Simmonds pointed out that streaming (unlike exams) is not a Machiavellian plot hatched to cause anguish among students. Streaming is organized to facilitate lecture and exam timetables. Before it was implemented, students had "the illusion of choice without the reality of it". Streaming ensures that courses can be taken in a particular order by students in particular years without excessive hardship. The development of streaming rules was based on a review of predominant enrolment patterns. That is, the Associate Dean and Curriculum Committee looked at the degree and year of students enroled in particular courses. Large enrolment classes which were hard to shift around were streamed to make them easier for the majority of students to take. And courses which conflict simply are not meant to be taken in the same year.

...and the Other Kind

The second type of bumping is based more on chance. It occurs when a course is overcrowded and the prof puts the brakes on enrolment. Although some courses are chronically oversubscribed, the list does change from year to year as courses wax and wane in popularity. For example, Corporate Finance has only been overcrowded for the

Quotes of the Week

Mr. Sarna: in Business Associations:

"Notaries are only 2nd to accountants in having almost no personality."

Prof. H.P. Glenn: in Introduction to Comparative Law:

"Who am I to define what I mean??"

On Wednesday, October 26 in the Moot Court, from 12-1 pm the Dean's "Bear Pit" session will allow all students to ask the Dean any question their little hearts desire (within the bounds of decency...). Students are encouraged to attend.

Bumped ?

Cont'd from p. 1

past two years. It previously attracted a stable number of about fifty students. So this year, the Dean and Associate Dean are working towards adding a section in second term to deal with the new popularity of securities and shareholder wheeling and dealing.

As Associate Dean, Professor Simmonds must bring to his duties a bit of prescience coupled with an ability to maintain a delicate balance in the timetable. He must ask if extraneous factors are affecting selection patterns or if a course really needs an additional section. In other words, he must assess whether a course is actually becoming more popular or whether its size is more related to the time at which or years for which it is offered. For example, Public International Law was not so jammed last year that Simmonds thought it would be bursting at the seams this year. And last year, one Equity and Trusts section was packed because the other section was in a bad time slot. The solution was to change the timetable, rather than add a third section.

Each year, the Associate Dean must give statistical information to the Staff Appointments Committee indicating his view on staffing priority areas. However, the SAC does not have to act on the Associate Dean's suggestions. It has other concerns to balance as well, such as the financial resources or teaching applicant pool available. The SAC tries to match potential staff to their areas of expertise during the hiring process, but must balance that consideration with gaps caused by professors on sabbatical and lacunae in the curriculum.

Although Simmonds makes recommendations, the Dean is responsible for final staffing decisions, such as hiring, promotions, tenure, course shifts, research leaves and publication grants. Simmonds can advise on some facets of these decisions related to his role as Associate Dean, such as massive overcrowding in a course. Naturally, the Dean notices massive undersubscription too ~~as~~ if a course has a small enrolment, he will ask whether the Faculty can continue to offer it. Again, however, factors such as poor timetabling or fashionability will be taken into account. The Dean will not simply correct overcrowding by eliminating an out-of-fashion course which is still academically respectable and shifting the professor to an extra section of a popular course.

Labour's Up...

This year, two courses which have suffered from the combined impact of timetabling and streaming are Labour and Judicial Law. Labour is undersubscribed due to a change in the streaming rules. For the first time, second-year students in The National Program are being streamed into a flip-flop schedule. They are requested to take all the basic courses in the regime of law other than the one in which they started. This locks students into a certain number of obligatory credits, and Labour's enrolment has dwindled as a result. It should bounce back up in numbers next year.

and Judicial's Down

On the other end of the spectrum, each of the two sections of Judicial Law are so full they could provide quorum for a General Assembly. The various programs which have been implemented year after year have had the effect of making Judicial Law this year's popular choice. The intricacies of the Code of Civil Procedure will be surveyed by first-year civilians, second-year common law students who have flipped into first-year civil law courses, third-year common law students keeping the National option open, and fourth year B.C.L. (previously LL.B.) students. See you there.

Got bumpee blues?

So, if you've been bumped this year and you can't graduate as a result, it is a mistake. Associate Dean Simmonds is there to fix things up. If you aren't in such dire straits, and have followed the streaming instructions, he will do all he can to accomodate your needs, except get you into Corporate Finance. If you played Russian roulette with your schedule, blithely ignoring the suggested plan of action, you can still go to see him, hat in hand. But next year, try to play by the rules ~~as~~ and hope your luck is good.

Hugo Flesch Fillers: Professor Glenn, attacking those that seem to be his main opponents, has recently taken his campaign for the Deanship to a broader based constituency witness these two headlines in last week's New York Times:

Oct. 13/83 A17

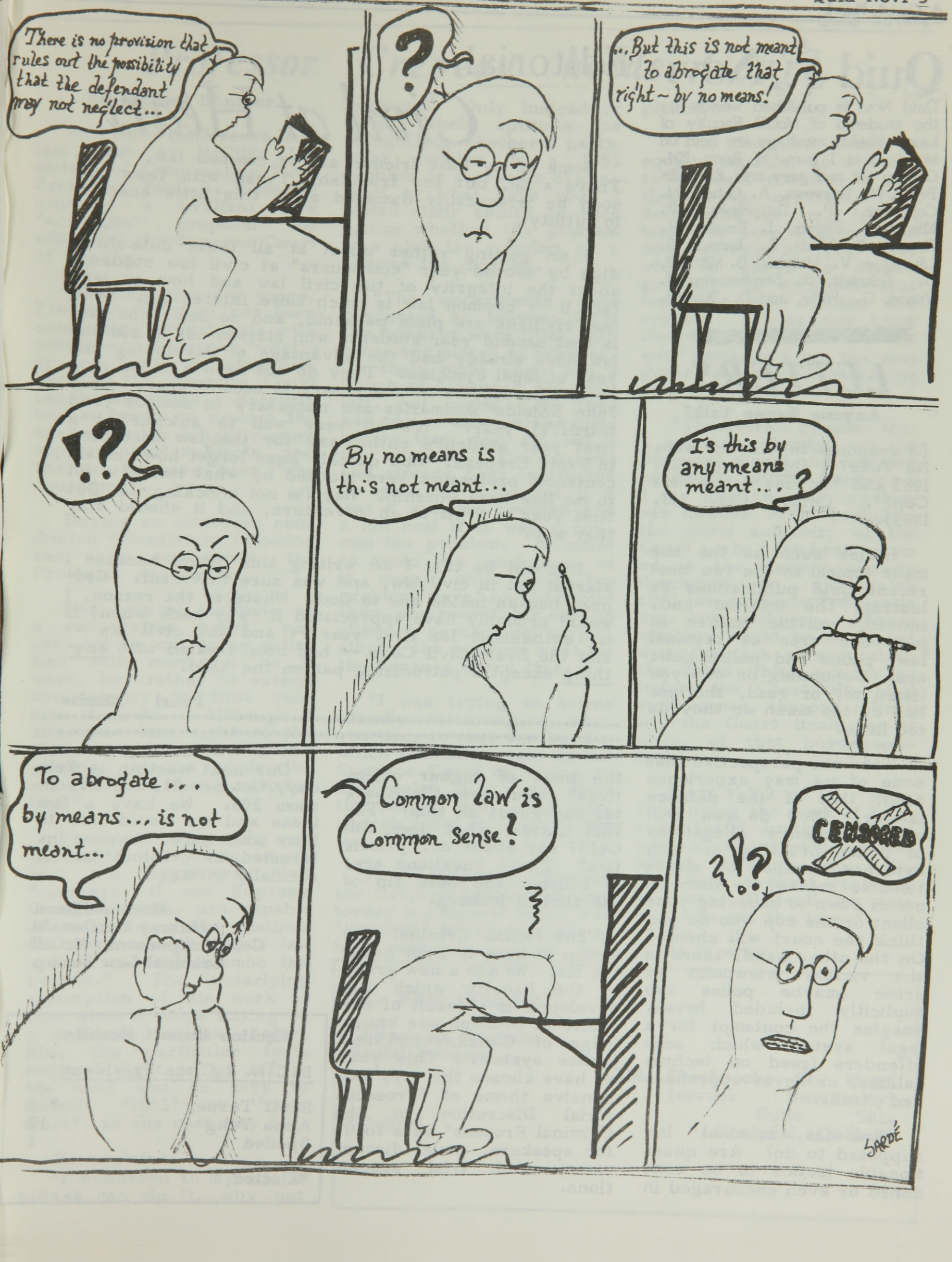
GLENN RIDICULES MONDALE CHARGE

Oct. 11/83

Glenn Urges Holding Up Missile Deployment

L.L. BONE

By Sardé



Quid Novi

Quid Novi is published weekly by the students of McGill Faculty of Law. Weekly meetings are held on Mondays at 1 p.m. in Room 204. Getting old and grey are: E. Bellis, Bivar, W. Burrows, A. Cohen, M. Concister, P. Dauphinée, P. Eliadis, S. Fisher, I. Fraser, R. Goosen, R. Janda, J. Latour, S. Lévesque, V. Marleau, B. Mitchell, D. Sokolyk, S. Stephenson, J. Vance, G. Witte, and D. Xistris.

LETTERS

Anyone Wanna Talk?

(A response to "Anyone Wanna Na Toke?", Quid, Sept. 28, 1983 and "Anyone Wanna Be a Cop?", Quid, Oct. 13, 1983).

Issues such as the one made topical in the two most recent Quid publications illustrate the interest and, indeed, volatile nature of just one area of criminal law, police and police powers. Depending on who you listen to, or read, the police do too much or they do too little.

Take one perspective that some of us may experience soon, that of the defence lawyer. How do you deal with a client's allegations of police brutality or with evidence obtained by questionable means? When it comes down to believing your client or the cop who do you think the court will choose? On the other hand, there is the victims' viewpoint of crime (maybe police are implicitly included here). Imagine the contempt for a legal system which sees offenders freed on technicalities, or never apprehended at all.

What is criminal law supposed to do? Are questionable tactics to be condoned or even encouraged in the name of higher objectives? What does the Charter say about all this? For that matter, what does Bill C-157 say about our priorities? These questions are, of course, the mere tip of the clichéd iceberg.

The McGill Criminal Law Group is here to help break the ice. We are a new group in the Faculty which has developed as a result of our desire to broaden our knowledge of Canada's criminal justice system. This year we have chosen the very expansive theme of "Prosecutorial Discretion in the Criminal Process" as a focus for speakers, panel discussions, and trial simulations.

Our next meeting is Friday, October 21, 1 p.m., in room 203. We have a few ideas and we would like to hear some more. Anyone interested in criminal law is cordially invited.

Mark Adilman
Murray MacDonald
Co-Chairpersons, McGill Criminal Law Group

Editorial

Civil at Heart

Some of my best friends are in common law. Well. That's a lie, but any friendship I had with them may soon be irrevocably damaged after this little exercise in futility.

I am getting rather upset at all these cute little digs by second-year "commoners" at civil law students about the integrity of the civil law and how -- let's face it -- common law is much more interesting. And how civilians are plain paranoid, and so on. The fact is that second year students who started out in common law have already had the advantage of developing one year of legal cynicism. They do not need a cause or a hero. Heroes are not necessary in second year. Only John Shields' summaries are necessary in second (and third...) year. It's all very well to snicker at a first year student's enthusiasm for the law according to Prof. Crépeau. How quickly some forget how certain contracts professors were idolized by what looked a lot to me like hero worship. Hey I'm not knocking it. But first year is a bit of an adventure, and it should stay that way.

It could be that I am writing this drivel because I started out in civil law, and was sure that Prof. Crépeau had an inside line to God. Whatever the reason, I would probably have appreciated it (way back when) if my enthusiasm for first year -- and the civil law -- and the Draft Civil Code -- had been treated with anything except a patronizing pat on the head.

Pearl Eliadis

Election Runoff Results

B.C.L. I Class President

Scott Turner	*24
Anna Yang	17
Spoiled	1

*Elected

Professor Crépeau holds Court

by Michael Shuster

At a news conference held last week at McGill's Institute of Comparative Law, Professor Paul A. Crépeau unveiled a brilliant new "scientific" proposal for reforming the Supreme Court of Canada.

It seems that for years, Professor Crépeau has been conducting experiments with monkeys to determine "whether and how" the effectiveness of the Supreme Court can be enhanced. Recently he has begun to replace the monkeys with "slightly more sophisticated" subjects, and the results have been "encouraging".

During an interview conducted immediately following the news conference, the Professor explained:

"My natural instincts as a comparative jurist, you see, led me not to be satisfied with monkeys, as it were, but rather to extend the inquiry to first year law students. Although I sometimes lose sight of the distinction between the two groups, on the whole the results have been satisfying."

Professor Crépeau's experiments are designed to test the hypothesis that "monkeys, if not Supreme Court Justices, are capable of recognizing the distinction between the civil law system and the common law system." The underlying assumption of his work is that when a judge sitting on a court has a case before him, the particular facts cause a light to go off in his head and he says to himself "1053" or "contract", as the case may be.

He explains:

"I wondered to myself; if judges can do it, why not monkeys? Only instead of testing their aptitude for recognizing whether a particular problem is a 1053 problem or a problem of contract or what have you, I tested their ability to recognize whether the problem is a civil law problem or a common law problem.

"The experiments were conducted as follows: First the monkeys were fitted with robes and placed on benches. On their right hand was a bunch of bananas. On their left, hot coals. We then had two or more parties come before them and act out a fact situation. The monkeys had already been instructed to reach for a banana if it was a civil law problem and a hot coal if it was a common law problem. In order to avoid any confusion, as it were, only civil law problems were brought before them, and remarkably enough although perhaps not surprisingly, the monkeys went for the bananas every time.

"I was trying to scientifically think up a way, you see, to ease the burden which presently rests on the Supreme Court of trying to distinguish the civil from the common law. And sure enough I did it, I found the way."

Found it indeed. Professor Crépeau announced yesterday a proposal which was "inspired" by the success of his research. He explained:

"The Supreme Court is equally capable, as it were, as the Québec courts of distinguishing contract from delict and so on, but it seems to have a great deal more difficulty, you see, when it comes to distinguishing the civil law system from the common law system. Yet we now know that monkeys and even first year monkeys – er, law students, are capable of making that distinction.

"Therefore I propose that a separate chamber of the Supreme Court be created consisting of nine monkeys – I say nine because any lesser number would prejudice the moral authority of the Court – who have been trained in the manner already described to distinguish civil law problems from common law problems. Those monkeys would be entrusted with the task of separating the cases which are to go before the Court into civil and common, thereby relieving the Court itself, as it were, of that burdensome task.

"Just think of it! Monkeys doing the work of Supreme Court Justices. And best of all, they'll swallow almost anything, no wait, that was the first year law students. Oh well, no matter, you get the idea."

As it were.

The A to K's

Last year I was an LL.B. I, the A-K section that is. Little did I know what varied reactions those three letters---only two different ones---could produce. Gee willikers and by-golly, I was so glad to be here that you could have called me by any set of letters.

Being identified as an LL.B. student didn't mean anything in particular to me. I didn't get a personalized license plate nor did I get the letters stamped on a T-shirt.

But as my air of naiveté dissipated in the Fall semester the bad odors of some type of friction -- real or imagined -- between LL.B. and B.C.L. students became more apparent.

For example, if you wanted to end a conversation -- at a party or simply in the corridor -- all you had to do was ask: "Are you a B.C.L. or an LL.B. student?" It seemed a natural question to ask. Since I was in the common law stream, the commonest faces were commonly the common faces (only G. Blaine Baker could say that fast three times). Ergo (my regards to R.A. Macdonald) there was a good chance an unidentified, uncommon person was a civil law student. They were common to each other, but uncommon to me. Some upper year B.C.L. students have developed the knack of being extremely defensive about their status.

What, do I look like a B.C.L. student? Oh no, is my Code showing? What, the make-up didn't help?

I thought I was asking a simple question (you don't want to complicate things at at the Dean's Reception) and But if you have to find some meaning in life at a first year law school class, you've got serious problems.

So, having exposed this dilemma, how do I lead you out of it? Just as McGill attempts to produce the truly "national" lawyer, we can also produce the truly "national" social butterfly. This National Social Butterfly Program has some important benefits.

First, from the societal perspective, it enables students to rise above a local or merely parochial view of legal social etiquette.

Second, graduates with both degrees can flutter into the bars of all provinces, as well as several circuits in the U.S.

Third, being a NSBP graduate enables a student to critically examine the foundations of both Canadian systems of legal etiquette, which greatly sharpens conceptual and social skills.

So, at the next party, take the National approach. For example, you could ask a first year student, "How's Foundations?" but not "How is Obligations?". The latter is too parochial.

Just think of what this approach could lead to. No, maybe you had better not. Enough of plots and rumours of plots.

Rick Goossen

Next Week: Wayne Burrows, our man on the spot, on American involvement in Central America or will Winter Ball make Terry Francona a .340 hitter?

MENS REA GET ACTUS TOGETHER

Despite playing on a field which had been groomed by an artillery barrage, the Mens Rea baseball team boosted their record to 2-0 with a resounding victory over Physiology last Wednesday. Touted as early season favourites by Las Vegas oddsmakers and picked by Sports Illustrated to win it all, they are flashy bunch who revel in flexing their biceps to the delight of their female fans. Stunningly attired in Lovis Vuitton uniforms and with apparently unlimited credit at the trendiest nightspots, they are nonetheless a team of hardrocks.

Sparked by "Stormin" Norm Dionne and "BoKatz" Katz, the Mens Reas (Mens Rears?) unleashed a power show which would have done Hydro-Quebec proud. While baseballs hurtled into the sky like tiny asteriods from the bats of Mark "Hitman" Ciarello and Brian "BigStick" Ward, bat control artist Roger Cutler ripped frozen ropes to all fields. In fact the crack of wood on cowhide got so loud that Charles Bronfman came down to see what was happening. However, rumours of an all-law outfield at the Big O are as yet unconfirmed.

For several of the players this will be their last chance at glory, and it looks as if years of toiling in obscurity may pay off. For others, this will be the first taste of pennant pressure. But for now the Mens Rea state of mind is focused on one goal - to bring home that championship cup; to drink champagne from it; to get drunk on victory and then to throw up. Go team!

Wayne Burrows

Bandeenism

Cont'd from p. 8

the Japanese, and it is from them that we have the most to learn. The Japanese demonstrate the advantages of robotics, microelectronics and advancing telecommunications technology. This is not a new tune. Mitel was to be our big foray into these fields -- until its computer interface system, a conventional IBM prototype, was rejected in favour of Rohm corporation's designs. This should serve as a lesson: we should not be so arrogant in assuming that we can independently develop the infrastructure to support any such cornering of the market. We must look elsewhere for guidance.

The Japanese lack resources, while we have them in abundance, particularly along our Pacific coast. Yet the Japanese have developed the most advanced applications of high tech to date. Would it not be in our respective interests to arrange a long-term exchange program of resources for technology? In return for our timber and coal we could demand the construction of tax-exempt (and possibly union-exempt) Japanese plants inside our country, on the understanding that the servicing and support tasks be performed solely by Japanese-trained Canadians. While we may prostitute ourselves to the Japanese in the short-run, the long-run effect would be the creation of a Canadian high-tech infrastructure which could withstand even the occasional failures of Mitel-like firms. It is true that this would not solve the basic difficulties presented by emerging collective power institutions but it would serve to expand our economic base, thus enabling us to accommodate such interests more effectively. Furthermore, if John Nesbitt's Megatrends analysis is to bear fruit (as it already has), then we can look forward to the reduction of such large concerns by virtue of the individualized nature of high-tech.

Kaufman J.A. to Lecture

The McGill Criminal Law Group proudly presents Mr. Justice Kaufman of the Quebec Court of Appeal on Thursday, October 20th, at 1 p.m. in the Moot Court, to speak on the topic of "Judicial Control of the Criminal Process" (i.e. - the bench's view of judicial discretion, etc.). All students are welcome and invited to attend what promises to be a very interesting event.

Thank you
McGill Criminal Law Group

Important Sports Meeting

Thursday, Oct. 20 in Room 101 at 1:00 p.m.

All interested in attending the Canada Law Games are encouraged to attend. Bring your lunch, questions, fund-raising ideas, and enthusiasm!
N.B. New sports have been added this year, including billiards, darts, and down-hill skiing.

Errata

Professor John P. Humphrey was Director of the U.N. Secretariat's Division of Human Rights from 1946-1966, and not from 1926-1966 as was indicated in the Oct. 6 issue.

The discretionary fund's balance for the 1983-84 budget is $1673 and not $2515.50 as was indicated last week.

Two Important Debates on Cruise Missile Testing in Canada

Wednesday, October 19 at 12 noon in the Moot Court, there will be a debate on this issue between William Epstein, former Director of the Disarmament Division of the U.N. Secretariat, against, and Robert Howse, Dept. of External Affairs, for.

Thursday, October 20 7:30 p.m. Moot Court, the film "If You Love This Planet" (classified as propoganda in the U.S.) will be shown.

At 8:00 p.m. Lawrence Greenspon, lawyer for "Operation Dismantle", and Stephen Scott, Professor of Constitutional Law, will debate the legality of the testing of the cruise on Canadian soil.

This is World Disarmament Week. Become informed. Come and attend these events!

Wednesday's debate is sponsored by:
- The McGill Law Group on Nuclear Disarmament
- Forum National
- The McGill Study Group on Peace and Disarmament.

Thursday's events are sponsored by the McGill Law Group on Nuclear Disarmament.

If you would like to join the Law Group, leave your name and phone number in the "M" slot at SAO.

Journal Giveaway

2nd, 3rd, and 4th year students are asked to pick up their copies of Volume 28, Nos. 3 & 4 at the Law Journal Office, Mondays through Thursdays, 11-2 p.m.

A Red Sunset over Canada?

Ian Bandeen

Yes, I am talking capital-intensive industry these days. And I think our present economic malaise bears me out. While many tout our current economic recovery, it is my opinion that we, the Western world, are in worse shape than ever.

It is true that some of our prominent corporations (excluding the two major auto producers) have clambered back to their feet and that the New York Stock Exchange has been breaking new ground continuously. But only a glance is needed to see that our economic structure is close to collapse. It is easy to cite the outstanding 700 billion dollar international debt as the principal factor behind such a pessimistic conclusion, but I feel our problems have deeper roots. We have reached a crossroad in our society's evolution where democracy and long-term efficiency dramatically intersect. We do not have to choose one "path" over the other. I see our goal as a combination of the two paths, although, in making the decision, we may nevertheless be faced with a disappointing and irreconciliable conflict.

Specifically, I address the topic of our present capital investment deficiencies. People smile and breathe a sigh of relief these days when they see a return to corporate "profits", yet it is important to ask ourselves just why we are experiencing our supposed "recovery". In fact, we have merely transformed our short and medium term debt, albeit at exorbitant rates, into longer-term low interest debt. We have effectively sold the future benefits of current capital investment for relief from acute cash flow shortages arising as a result of very high debt service charges. In several strokes of the pen we have escaped our dilemma on paper. But our basic structural difficulties remain and are intensified.

For the past few decades, the North American economy has operated on the premise that each individual's share of the pie would grow at a healthy rate. This promise has fueled a global sense of optimism. It is now time to face reality. We are no longer a relatively small number of people accessing vast resources. The globe is shrinking with each additional exchange of information and the world is steadily turning to America for support. Witness the ludicrous strength of the American dollar, the increasing illegal immigration into the United States, and the present "lender of last resort" role being played by both the International Monetary Fund and the World Bank. It is time to decide where we are going, not as a nation but as a species.

Democratic theory advocates an emphasis on individualism, while communist doctrine emphasizes the collective. Yet the fundamental differences between the two are becoming less focused as the two systems overlap within the same global structure. Many in the West would suggest that each man's equal voting power is only a logical extension of his social, historical, and economic perspective; ergo, all men are equal -- or should be. This dangerous, but perhaps warranted, conclusion has led us to demand more from a democractic economic structure than is feasible. While the right of the individual is used as the base, the collective rights and power of the composite have grown totally out of proportion. Big Business, Big Labour, and Big Government have entrenched themselves so deeply in our current philosophies, that radical societal and economic innovations seem practically impossible. Yet if Mao had any relevant slogan, it is that innovation and change must be our credo. Our present collective economic decision to preserve the short run at the expense of the long run only serves to strengthen the stranglehold of stagnation. For societies based on a pyramidal scheme of growth and economic distribution, this is fatal.

In many ways we are following in the footsteps of our grandparents in the late 1920's. A house of credit, no matter how large, built by selling the future to make the short-run more comfortable, must collapse when the bluff is finally called. Imminent radical change may soon become a necessity, not a luxury as it was in the sixties.

Canada is in a peculiar position when it comes to implementing such changes. The American and British influences may prove too substantial for us to shake. We have blindly followed Britain down the path of post-industrial social decadence. The staggering size of the American economy prevents economic initiative. We can only survive economically by specializing and securing selected markets. In this way, we are in a position similar to that of

Cont'd on p. 7